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Security Council

Sixty-ninth year

Provisional

7130th meeting

Monday, 10 March 2014, 10 a.m.
New York

President:	Ms. Lucas	(Luxembourg)
Members:	Argentina	Mr. Oyarzábal
	Australia	Ms. King
	Chad	Mr. Cherif
	Chile	Mr. Errázuriz
	China	Ms. Jiang Hua
	France	Mr. Araud
	Jordan	Prince Zeid Ra'ad Zeid Al-Hussein
	Lithuania	Ms. Murmokaitė
	Nigeria	Mr. Laro
	Republic of Korea	Ms. Paik Ji-ah
	Russian Federation	Mr. Pankin
	Rwanda	Mr. Gasana
	United Kingdom of Great Britain and Northern Ireland	Sir Mark Lyall Grant
	United States of America	Ms. Power

Agenda

The situation in Libya

Note by the President of the Security Council (S/2014/106)

Report of the Secretary-General on the United Nations Support Mission in Libya (S/2014/131)

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The meeting was called to order at 10.10 a.m.

Adoption of the agenda

The agenda was adopted.

The situation in Libya

Note by the President of the Security Council (S/2014/106)

Report of the Secretary-General on the United Nations Support Mission in Libya (S/2014/131)

The President (*spoke in French*): In accordance with rule 37 of the Council's provisional rules of procedure, I invite the representative of Libya to participate in this meeting.

In accordance with rule 39 of the Council's provisional rules of procedure, I invite Mr. Tarek Mitri, Special Representative of the Secretary-General and Head of the United Nations Support Mission in Libya, to participate in this meeting.

The Security Council will now begin its consideration of the item on its agenda.

I wish to draw the attention of Council members to document S/2014/131, which contains the report of the Secretary-General on the United Nations Support Mission in Libya. I also wish to draw the attention of Council members to document S/2014/106, which contains the note by the President of the Security Council transmitting the report, prepared in accordance with paragraph 14 (d) of resolution 2095 (2013), of the Panel of Experts established pursuant to Security Council resolution 1973 (2011).

At this meeting, the Security Council will hear briefings by Mr. Tarek Mitri and His Excellency Mr. Eugène-Richard Gasana, Permanent Representative of Rwanda, in his capacity as Chair of the Security Council Committee established pursuant to resolution 1970 (2011).

I now give the floor to Mr. Mitri.

Mr. Mitri: The Council has before it the report of the Secretary-General on the United Nations Support Mission in Libya (S/2014/131), which covers the events in that country since his last report on 5 September 2013 (S/2013/516).

On 8 March, Libyan oil was loaded on a North Korean flagged vessel, the *Morning Glory*, by armed groups that have been blockading a number of oil terminals and fields in eastern Libya for many months. That constitutes an illegal act and violates Libya's sovereignty over its ports and natural resources.

Three months ago, I spoke before the Council (see S/PV.7075) of the steady decline in the security situation across Libya, and of mounting popular frustration with the political process. I alluded to the strong polarization resulting from disagreement over the management of the transition period, reflecting deeper political and ideological divisions. On 2 March, the General National Congress building was stormed by protestors demanding its dissolution. About 150 young men ransacked the main chamber and assaulted members, four of whom were injured. I strongly condemned the violence against the General National Congress members and premises, re-emphasizing the need to respect legitimate State institutions. While upholding the right to freedom of expression, I also made it clear that the use of force to achieve political objectives is to be unequivocally rejected.

The decision of the General National Congress on 3 February with regard to the transfer of authority in due course to a constitutionally elected legislative body did not defuse tensions ahead of 7 February, the date some have interpreted — controversially — as that on which the term of the General National Congress should have ended. Acknowledging public pressure, that body opted for early elections, establishing de facto a new transitional period — a third — to continue until the end of a longer constitutional process. It has formed a 15-member committee to consider amendments to the Constitutional Declaration, issued by the National Transitional Council in August 2011.

Intense efforts to resolve differences and negotiate an agreement on the management of the transitional period, including the future of the General National Congress and the Government, have not succeeded in bringing an end to the divisions that have paralysed the political process. Considerable differences remain over holding both parliamentary and presidential elections, and the extent of powers to be granted to a future president. The application of the political isolation law remains a contentious issue as well.

Throughout this process, the United Nations Support Mission in Libya (UNSMIL) has consistently

encouraged the different parties to reach agreement on the main national priorities and the management of the transition. To that effect, I convened regular consultative meetings with leaders of the major political and civil society forces.

In the previous three months, there has been a dramatic increase in violence across the country. In January and early February, clashes took place in the Warshafana area west of Tripoli, within earshot of UNSMIL's compound. In Sabha, in the south, and Kufra, in the south-east, political, economic and social grievances spilled over into armed violence between rival groups, many along ethnic and tribal lines. Former regime supporters took advantage of the situation to occupy Government facilities for some time. In Sabha, violence resulted in over 100 fatalities, including those of children and the elderly. It also led to the displacement of hundreds of families and shortages of fuel, food and medical supplies. In coordination with the national and local authorities, the United Nations moved quickly to provide displaced families in Awbari and Sabha with emergency relief items. Providing relief items to Kufra is also under way.

In the east the unabated campaign of targeted assassinations, bombings and abductions has reached intolerable levels. Many victims have been security and judicial personnel, but civilians have also suffered unchecked terror and intimidation. The killing in Benghazi on 24 February of seven Egyptian nationals, all Christians, is a sad illustration of the dangerous lawlessness. I take heart from the unequivocal condemnation and repulsion with which the Libyan public and leaders have reacted to those killings.

In Benghazi, a city that prides itself on its role in putting an end to decades of tyrannical rule, the public's sense of anger is mounting. While the primary responsibility for reining in the perpetrators of the ugly campaign of terror lies with the State, that will only be possible with concerted efforts by the Government and political, civic and revolutionary forces for the protection of the civilian population. I must say that in that context the United Nations was criticized for what is seen as its impotence by those whose expectations extend far beyond what the United Nations Mission is mandated to do in terms of protecting the civilian population.

Nation-wide demonstrations have taken place since early February against the continued tenure of the General National Congress. Strong resentment and animosity have grown between the two main — though not homogeneous — camps. Libya faces the risk of embarking on a new trajectory of unprecedented violence.

On 18 February, two armed brigades gave an ultimatum to Congress members to step down within five hours or face military intervention. That escalation followed a series of attacks against media outlets that have strongly disapproved of the General National Congress. In my contacts with political and brigade leaders and in a public statement, I called for restraint, warned against resorting to violence and appealed for a return to political dialogue. In a meeting with the two brigades, I reiterated that position and asked them to resolve political problems by political means. It is widely believed that UNSMIL had a role in helping to avert violence on that occasion. It is regrettable, however, that some voices of criticism, and even slander, failed to recognize the true motives and effects of the United Nations initiatives.

Mindful of our neutrality, respect of national sovereignty and strict adherence to non-interference in the internal affairs of Libya, I have persistently called on all actors on the Libyan scene to uphold national interests and refrain from threatening to use force to resolve political disputes. I also have reiterated the United Nations support to the safeguarding of the legitimacy of Libya's elected institutions and their role in a peaceful transfer of their authority to an elected body.

On 20 February, elections took place to the Constitution Drafting Assembly, with 649 candidates running in those elections. Fifty-four women competed for the six reserved seats and 509,043 voters cast their ballots, representing 46 per cent of the 1,101,541 registered voters. One million Libyans registered to vote this time, whereas there were 2.7 million in 2012. In addition to the Amazigh boycott of the polls, there was a sizeable boycott by the Tabu and Tuareg in the south. Their stance relates to their demand for a consensual decision-making mechanism in the Constitution Drafting Assembly regarding their rights. There had to be re-run of the polls on 26 February in about 2 per cent of centres. In some of them, polling did not take place because of the boycott. Security considerations in the city of Derna meant that no polling took place there. A total of 13 seats out of 60 from across Libya have not been filled.

There has been an alarming increase in attacks on journalists and media institutions. Several television stations in Tripoli and Benghazi were the target of armed acts of vandalism. A number of journalists and media figures were abducted. Attacks on media outlets and personnel were, and must be, condemned.

In February, the General National Congress promulgated a law that punishes with imprisonment any person found to be undermining the 17 February revolution, publicly insulting the legislative, executive or judicial authorities or disgracing the national flag. The law was criticised by many Libyans as incompatible with Libya's Constitutional Declaration and its international human rights obligations. We have called upon the General National Congress to bring the law in line with international human rights standards.

On 2 March, the 90-day deadline set by the law on transitional justice for completing the screening of detainees expired. Initial figures suggest that the process has yet to be completed. UNSMIL remains concerned about reports of continuing torture, deaths in custody, kidnapping and secret detentions by brigades nominally affiliated to the Ministries of Justice or Defence. The handover of all detainees to the effective control of the State is a prerequisite for the establishment of the rule of law in the country.

Efforts to strengthen the State's ability to assume its security responsibilities continue to be hindered by the absence of a political agreement over the rebuilding of a national army, the integration of revolutionary fighters and the collection of weapons. A solution to that problem will require a clear strategy and the provision of a number of assurances to the revolutionaries, who are only nominally under State authority. That will include a recognition of their contributions to the revolution and safeguards for their legitimate rights and interests.

Despite a number of systemic problems, efforts by the United Nations persevere. In addition to advice and technical assistance, there has been special attention given to developing national programmes to control arms and ammunition stockpiles, heavy weapons and small arms and light weapons. I am pleased to report that the Government has responded positively and taken steps to create a structure to address those issues.

International and well-coordinated support to Libya is vital. In that regard, I welcome the holding and results of the Rome conference, held on 6 March with the participation of a large number of countries, including the five permanent members of the Security Council, neighbouring countries and other friends of Libya. The people of Libya expect that the international community will assist them in the difficult task of building a State with strong and accountable institutions. Support to Libya, however, can be meaningful and effective only if there is unequivocal commitment on the part of Libya's leaders to this goal and a political will to resolve, through dialogue and concerted efforts, the major problems of the country.

The President (*spoke in French*): I thank Mr. Mitri for his briefing.

I now give the floor to Ambassador Gasana.

Mr. Gasana (Rwanda): In accordance with paragraph 24 (e) of resolution 1970 (2011) of 26 February 2011, I have the honour to report to the Security Council on the work of the Committee established by that resolution. The report covers the period from 10 December 2013 to 10 March 2014, during which the members of the Committee met once in informal consultations.

On 10 February, I provided an open briefing to all Member States, noting that while the total number of issues before the Committee had decreased over the past year, the complexity of the issues had significantly increased. I reminded delegations that the Committee and the Panel of Experts relied on the cooperation of Member States to successfully undertake their work and asked delegations to respond to the Committee's and the Panel's letters in due course and to consider favourably any requests for visits made by the Panel. The Panel, which participated via video-teleconference, explained the two-way arms embargo, with a focus on detailing exemptions to the arms embargo into Libya, highlighting the need for Member States supplying lethal materiel to the Libyan Government to include a note from the Libyan body responsible for arms procurement — the Military Procurement Department in the Libyan Ministry of Defence — in order to minimize the risk of supplies being diverted to various armed groups, who might at a later stage use these supplies to undermine the Government's authority.

Concerning the asset freeze, the Panel reported that some Member States lacked the national legal framework to properly implement the asset-freeze measures. Furthermore, the Panel stressed that where frozen assets belonging to designated individuals were sought by the Libyan Government on the grounds that

they were stolen from the Libyan people, this should occur only after a competent court had made a finding to that effect.

Concerning the travel ban, the Panel encouraged delegations to share with the Committee or the Panel any information they may have about the listed individuals.

On 15 February 2014, the Committee received the final report of the Panel of Experts under resolution 2095 (2013). I will briefly summarize some observations contained in the final report. Concerning the arms embargo, the Panel concluded that the proliferation of weapons to and from Libya remained a major challenge to the stability of Libya and the region. In that context, the Panel noted that the control of non-State armed actors over the majority of stockpiles in Libya, as well as ineffective border control systems, remained primary obstacles to countering proliferation and that Libya had become a primary source of illicit weapons, including man-portable air defence systems. The Panel further noted that investigations relating to transfers to 14 countries reflected a highly diversified range of trafficking dynamics and that trafficking from Libya was fuelling conflict and insecurity, including terrorism, on several continents, which was unlikely to change in the near future.

While the Panel lauded the creation of the Military Procurement Department as the focal point for security assistance, it expressed concern about a number of outstanding issues: the lack of centralized oversight of military procurement; the absence of identified procurement focal points for Ministries other than the Ministry of Defence; the lack of clarity regarding precise end-users; and the limited capacity of the various forces to manage and secure their stockpiles. Finally, the Panel also expressed concern about transfers to Libya in violation of the arms embargo, including non-notified deliveries to the national forces and transfers to non-State end-users, in particular the civilian market.

Concerning the asset freeze, the Panel focused its efforts on the hidden assets of listed individuals, including those of Saadi Al-Qadhafi. The Panel revealed further instances of Member States lacking the legislative capacity to implement the asset-freeze measure, which in one instance resulted in the dissipation of almost $2 million in funds that should have been frozen. The Panel expressed concern about the confusion as to the means and the legality of repatriating frozen assets allegedly stolen by designated individuals to Libya.

With regard to the travel ban, the Panel reported that two individuals listed under the travel ban, Aisha Al-Qadhafi and Mohammed Al-Qadhafi, had left Algeria and travelled to Oman, in violation of the travel ban, and that it continued to investigate an alleged plot to smuggle Saadi Al-Qadhafi and his family to Mexico in 2011.

The Committee discussed the report and recommendations of the Panel of Experts in informal consultations on 26 February. The report was generally well received and lauded for its wealth of information. The main points that emerged from the discussion were the serious concern about the persistent arms proliferation from Libya; the need to further clarify arms procurement structures and procedures in Libya; cooperation with the United Nations Support Mission in Libya concerning the storage and security of stockpiles; and how to carry forward the recommendations of the Panel of Experts. Of the 15 recommendations, the Committee agreed to take follow-up action on 9. Two recommendations required no action and the Committee simply took note of them, and two recommendations were addressed to the Security Council. The Committee put on hold the remaining two recommendations pending the outcome of follow-up action related to other recommendations.

Lastly, let me refer to some updated statistics on the issues dealt with by the Committee since the last periodic report to the Council. In relation to the arms embargo, the Committee approved two exemption requests and received two notifications on which no negative decision was taken. The Committee also responded to one request for guidance from a Member State.

The President (*spoke in French*): I thank Mr. Gasana for his briefing.

I now give the floor to the representative of Libya.

Mr. Dabbashi (Libya) (*spoke in Arabic*): It is a pleasure to congratulate you, Sir, and the Luxembourg delegation on your accession to the presidency of the Security Council this month. I thank you for the opportunity to address the Council at this meeting.

Allow me to begin by expressing my gratitude to Mr. Tarek Mitri, Head of the United Nations Support Mission in Libya (UNSMIL), for his briefing and for

his efforts in that role to assist the Libyan people in establishing democracy and building State institutions. I would also like to express my deep gratitude to His Excellency Secretary-General Ban Ki-moon for his continued dedication and efforts to support the Libyan people and authorities at this sensitive stage.I also thank His Excellency Ambassador Gasana, Permanent Representative of sisterly Rwanda and Chair of the Security Council Committee established pursuant to resolution 1970 (2011), concerning Libya, for his briefing on the work of the Committee in recent months and for presenting the report of the Panel of Experts (S/2014/106, annex). And I would like to thank all Council members for continuing to express their understanding of this stage of Libyan history and the complex requirements of the situation on the ground, as well as their continued readiness to support the legitimate authorities in guaranteeing Libya's sovereignty and territorial integrity.

There was a very short time period between the date of today's meeting and the issuing of the Arabic translation of the report of the Panel of Experts. We were therefore unable to obtain the Government's opinion concerning certain points contained in the report. I will therefore confine myself to some general remarks and preliminary comments based on the report of the Secretary-General (S/2014/131) and the report of the Panel of Experts.

There is no doubt that not one Libyan would deny that the situation in Libya is not as we would desire. More than two years since the fall of the Al-Qadhafi dictatorship, we have yet to succeed in creating genuine institutions. To date, we have failed to create a central body to enforce the rule of law, deter violators and prevent impunity. That is the main cause of the weak central authority. Libyans — nearly all of them — agree on the dire need to change the working methods at the highest levels of authority and in most sectors in order to achieve true progress.

That could appear difficult, in the light of the political rivalries among various factions and the excessive personal ambitions of some political leaders, and even some military leaders. However, the Libyan people in general are determined to correct the situation and to achieve the objectives that made up the foundation of the revolution. The Libyan people are confident in the support of all friendly peoples, and I myself am confident that a fundamental change will be seen this year in the Libyan political scene.

Ensuring security remains the first priority for Libyan citizens. Without security, authorities cannot function, citizens are unable to carry out economic activities and development remains unrealized. However, security cannot be achieved merely by pressuring the Libyan authorities to carry out their responsibilities, whether such pressure is domestic or international. What is needed is the practical support of the international community in responding to the requests of the Libyan Government, providing advice, supporting and building capabilities and extraditing fugitives.

Today, Libya faces two threats in the security domain. The first concerns extremist groups with international associations and linkages that seek, by all possible means, to restructure the State based on their own vision. They use violence and terrorism to prevent the emergence of any legitimate force they perceive as a threat.

The second threat is manifested by remnants of the prior regime, including groups that have retained their weapons in various areas of the country and are seeking to undermine stability at every opportune moment, with coordination and direct support from senior officials of the former regime who now live outside of Libya, especially those residing in Egypt, the United Kingdom, Germany and some Eastern European States. The events of the first week of February and subsequent investigations of those involved have proven the extent of the involvement of leaders of the previous regime, especially those in the Niger, Tunisia and Egypt.

On this occasion, I cannot forget to thank the Government of the sisterly nation of the Niger for its quick response to Libyan demands to expedite Abdallah Mansour — a military leader of the former regime — and Saadi Al-Qadhafi, after those authorities verified that they were involved in undermining Libya's stability.

We hope that sisterly Egypt will also respond to the Libyan Government's request and extradite the wanted individuals who are now in Egypt as soon as possible, especially since their destructive activities would engage the efforts of the Libyan authorities and keep them busy, thus undermining efforts to control the borders and prevent weapons smuggling. That, in turn, would have negative repercussions on Egypt's security.

The extradition of fugitives and wanted individuals is not only a bi[illegible]al issue, but an international

commitment according to Security Council resolutions calling upon States to assist Libya in combating impunity. We therefore encourage the Council to not lose sight of the matter.

I would like to point out that Libya's weak central authority and the Government's lack of a deterrence force have encouraged certain outlaws to disrupt oil exporting ports by force. As a result, Libya's income over the past several months has declined by over 70 per cent, compared to normal levels, leading to a huge treasury deficit that is currently being off-set by the Government's sovereign accounts. If the situation were to continue and current spending levels remain the same without any austerity measures, the country could face bankruptcy, resulting in threats to and the undermining of the social order.

Those outlaws have transgressed every boundary in their attempts to export oil by illegitimate means. They even succeeded recently in convincing an oil tanker to come to the port of Sidra in order to take on a quarter of a million gallons of crude oil, the proceeds of which were then diverted to that outlaw group. In that regard, I would like to warn every party connected to that tanker, whether the ship's flag State, the nation to which the owner of the tanker belongs or the State to receive the oil shipment, that they are all parties to a violation of Libya's sovereigntyand to the crimes of smuggling and piracy of the resources of the Libyan people. That will have very serious consequences. The Libyan authorities, present and future, will not tolerate it.

In this forum, I would also like to draw the international community's attention to the fact that the Libyan authorities, despite their scanty defence resources, have taken steps necessary to detain the ship and prosecute its crew. The international community, and the States concerned for protecting the safety of the Mediterranean environment, should help Libya to enforce national and international law by detaining the ship so that we will not have to use force against it, since such a step would definitely result in polluting of vast areas of the Mediterranean's waters and coasts and would require international efforts and huge resources to bring under control. The Libyan Government hopes that the Security Council will take a clear position on the matter that emphasizes its support for Libya's sovereignty over its territory and resources.

Regarding the assets freeze, I would like to remind that Security Council resolutions oblige United Nations Member States to identify and freeze assets owned or controlled by individuals and entities listed on sanctions lists. That can be carried out only if the States involved issue directives to financial institutions on their territories.

Unfortunately, many have not done so, despite suspicions of the existence of assets belonging to individuals and entities on those lists in those States' territories. The Panel of Experts notes, in paragraph 219 of its report that it found no country among those visited had the capability of freezing assets subject to only a designation of individuals or entities in a Security Council resolution. In paragraph 221, the Panel also says that

> "[t]his situation has serious implications for the implementation of the asset freeze measures under the Libyan sanctions regime, as well as on extant asset freeze measures and any similar measures that may be imposed by the Security Council in the future. The lack of capability of son.e Member States to fulfil their obligations under Chapter VII of the Charter of the United Nations nullifies the effectiveness of such measures."

Accordingly, Libya strongly supports the Panel's recommendation in paragraphs 189 (b) and 190 of its report. I should mention that Libya follows due process regarding all frozen assets in order to prove that they belong to the Libyan people, and demands their return through judicial processes in the countries where those assets are located. Libya relies on the good intentions of the Governments involved in expediting such processes and the return of the assets to the Libyan people as soon as possible, as is specified in the Security Council's resolutions.

Concerning the arms embargo, I reaffirm that any request for approval of exports of weapons to Libya that is not made through the Mission of Libya to the the United Nations or with its knowledge will be considered to be a request from a party that does not belong to the Libyan Government, and the exporting party will take responsibility for that before the Security Council. I also affirm that the Military Purchases Department of the Ministry of Defence is the party responsible for requests to obtain arms import permits, and that the Minister of Defence is the only official responsible for issuing end-user certificates.

Mr. Ali Zeidan, the Prime Minister of Libya, has sent a letter to the Secretary-General and to you,

Madam President, as President of the Security Council, in which he requests an extension of the mandate of the United Nations Support Mission in Libya for another year. We hope that the Council will respond positively to that request so that the Mission will be able to continue in its support for the Libyan people at this critical stage in their history. The Mission's role is indispensable at this stage. Libyans are grateful to the United Nations for the support the Mission provides in deferent area, and hope that support will continue. We look forward to increased support from the Council so that we can achieve security, justice and national reconciliation and transition to truly democratic rule. We hope that the Security Council will be more responsive to the Libyan people's aspirations by approving the following actions.

First, listing more individuals from among the officials of the former regime on the travel-ban and assets-freeze lists, especially those who are live in Egypt. Secondly, demanding that all States freeze the assets of all officials of the former regime whose Libyan assets have been frozen and to approve the automatic return of those assets to the Libyan people once it has been proved that they belong to the Libyan people, without having to refer to the Sanctions Committee. Thirdly, responding quickly to any request submitted by the Libyan Government for a designation on the travel-ban and asset-freeze lists of individuals, businesspeople and entities who cooperated with the family of Al-Qadhafi and his senior officials.

The President (*spoke in French*): There are no more names inscribed on the list of speakers. I now invite Council members to informal consultations to continue our discussion on the subject.

The meeting rose at 11 a.m.